



House of Representatives

General Assembly

File No. 410

January Session, 2001

Substitute House Bill No. 5121

House of Representatives, April 23, 2001

The Committee on Government Administration and Elections reported through REP. KNOPP of the 137th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROCEDURE FOR FILLING VACANCIES IN THE OFFICE OF UNITED STATES SENATOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-211 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 In case of a vacancy in the office of senator in Congress, the
4 Governor is empowered to fill such vacancy by appointment as [herein
5 provided. If such vacancy occurs sixty or more days prior to a state
6 election, the appointee shall serve until the third day of January
7 following such election, and at such election there shall be elected a
8 senator in Congress to serve for the remaining portion, if any, of the
9 term vacated. If such vacancy occurs within less than sixty days of a
10 state election and the term vacated does not expire on the third day of
11 January following such election, the appointee shall serve until the
12 third day of January following the next such election but one, and at

13 such next election but one there shall be elected a senator in Congress
14 to serve for the remaining portion, if any, of the term vacated. If such
15 vacancy occurs within less than sixty days of a state election and the
16 term vacated expires on the third day of January following, the
17 appointee shall serve until such third day of January] follows:

18 (1) If such vacancy occurs between the first day of the term of said
19 office and the seventieth day before the municipal election held in
20 November of the same year, inclusive, the appointee shall serve until
21 the third day of January following such municipal election, and a
22 senator in Congress shall be elected at such municipal election and
23 serve for the remaining portion of the term vacated. Each municipality
24 which does not hold municipal elections in November shall hold a
25 special election on the day of such November municipal election for
26 the purpose of filling such vacancy.

27 (2) If such vacancy occurs between the sixty-ninth day before the
28 municipal election held in November of the first year of the term of
29 such office and the seventieth day before the state election held in the
30 second year of the term of such office, inclusive, the appointee shall
31 serve until the third day of January following such state election, and a
32 senator in Congress shall be elected at such state election and serve for
33 the remaining portion of the term vacated.

34 (3) If such vacancy occurs between the sixty-ninth day before the
35 state election held in the second year of the term of such office and the
36 seventieth day before the municipal election held in November of the
37 third year of the term of such office, inclusive, the appointee shall
38 serve until the third day of January following such municipal election,
39 and a senator in Congress shall be elected at such municipal election
40 and serve for the remaining portion of the term vacated. Each
41 municipality which does not hold municipal elections in November
42 shall hold a special election on the day of such November municipal
43 election for the purpose of filling such vacancy.

44 (4) If such vacancy occurs between the sixty-ninth day before the
45 municipal election held in November of the third year of the term of
46 said office and the seventieth day before the state election held in the
47 fourth year of the term of such office, inclusive, the appointee shall
48 serve until the third day of January following such state election, and a
49 senator in Congress shall be elected at such state election and serve for
50 the remaining portion of the term vacated.

51 (5) If such vacancy occurs between the sixty-ninth day before the
52 state election held in the fourth year of the term of such office and the
53 seventieth day before the municipal election held in November of the
54 fifth year of the term of such office, inclusive, the appointee shall serve
55 until the third day of January following such municipal election, and a
56 senator in Congress shall be elected at such municipal election and
57 serve for the remaining portion of the term vacated. Each municipality
58 which does not hold municipal elections in November shall hold a
59 special election on the day of such November municipal election for
60 the purpose of filling such vacancy.

61 (6) If such vacancy occurs between the sixty-ninth day before the
62 municipal election held in November of the fifth year of the term of
63 such office and the last day of the term of such office, inclusive, the
64 appointee shall serve until the last day of the term of such office.

65 Sec. 2. Section 9-450 of the general statutes is repealed and the
66 following is substituted in lieu thereof:

67 Nominations by major parties for any state, district or municipal
68 office to be filled under the provisions of any law relating to elections
69 to fill vacancies, unless otherwise provided therein, shall be made in
70 accordance with the provisions of sections 9-382 to 9-450, inclusive.

71 (1) In the case of nominations for representatives in Congress and
72 judges of probate in probate districts composed of two or more towns,
73 provided for in sections 9-212 and 9-218, if the writs of election are

74 issued by the Governor on or before the twenty-first day of May in an
75 even-numbered year and the election is to be held on the day of the
76 state election in such year, the state central committee or other
77 authority of each party shall, not later than the twenty-fourth day of
78 May in such year, publish notice of the date for the primary for the
79 election of delegates to the state or district convention to designate the
80 party-endorsed candidate for the office to be filled, and the times
81 specified in sections 9-383, 9-391, 9-400, 9-405 and 9-423 shall be
82 applicable. The primary so designated shall be held not earlier than the
83 fifty-sixth day after publication of such notice and not later than the
84 fifth day before the convention. If such writs of election are issued after
85 the twenty-first day of May in such year, or if the election is to be held
86 on any day other than the day of the state election, the day scheduled
87 for the election shall be not earlier than the ninety-first day following
88 the day on which such writs of election are issued. The state central
89 committee or other authority of each party shall, not later than the
90 eighty-fourth day preceding the day of the election, publish notice of
91 the day for the primary for the election of delegates to the state or
92 district convention to designate the party-endorsed candidate for the
93 office to be filled, which day shall be not earlier than the twenty-eighth
94 day following such publication and not later than the fifty-sixth day
95 preceding the day of the election. The party-endorsed candidates for
96 election as delegates to such convention shall be certified to the town
97 clerks not later than the twenty-first day preceding the day of such
98 primary. Contesting slates for election as such delegates shall be filed
99 not later than four o'clock p.m. on the seventh day preceding the day
100 of such primary. The state or district convention shall be convened not
101 earlier than the fifth day following such primary and closed not later
102 than the forty-ninth day preceding the day of the election. Contesting
103 candidacies for nomination to the office to be filled shall be filed not
104 later than four o'clock p.m. on the fifth day following the close of such
105 convention. The Secretary of the State shall fix the day for the primary
106 of each party for the nomination to the office to be filled, which day

107 shall be not earlier than the twenty-first day following the close of such
108 convention and not later than the twenty-first day preceding the day of
109 the election.

110 (2) In the case of judges of probate in probate districts composed of
111 a single town, the day named for the election shall be not earlier than
112 the one-hundred-fifteenth day following the day on which the writ of
113 election is issued, and the times specified in sections 9-391, 9-405 and
114 9-423 shall be applicable.

115 (3) (A) In the case of a vacancy in the office of senator in Congress
116 occurring seventy or more days prior to a municipal election held in
117 November, under subdivision (1), (3) or (5) of section 9-211, as
118 amended by this act, but not later than the fiftieth day preceding the
119 day of the primaries for nomination to the municipal offices to be filled
120 at such municipal election, the party-endorsed candidate of each party
121 for such office shall be designated at a state convention of such party
122 which shall be convened not earlier than the sixty-eighth day and
123 closed not later than the fiftieth day preceding the day of said
124 primaries; contesting candidacies for nomination to such office shall be
125 filed not later than four o'clock p.m. on the fourteenth day following
126 the close of such convention; and the primary of such party for
127 nomination to such office shall be held simultaneously with the said
128 primaries of such party for nomination to municipal offices. If such
129 vacancy in the office of senator in Congress occurs after the fiftieth day
130 preceding said primaries, such convention shall be closed not later
131 than the tenth day following the occurrence of such vacancy;
132 contesting candidates for nomination to such office shall be filed not
133 later than four o'clock p.m. on the fifth day following the close of such
134 convention; if the primaries of such party for nomination to municipal
135 offices to be filled at said municipal election are held not earlier than
136 the twenty-eighth day following the close of said convention, the
137 primary of such party for nomination to the office of senator in
138 Congress to fill such vacancy shall be held simultaneously with the

139 primaries of such party for nomination to such municipal offices;
140 otherwise, the Secretary of the State shall fix the day for the primary of
141 such party for such nomination to the office of senator in Congress,
142 which shall be not earlier than the twenty-eighth day following the
143 close of said convention and not later than the twenty-first day
144 preceding the day of the municipal election. The delegates to any such
145 state convention shall be the same as the delegates to the state
146 convention held for the endorsement of candidates for state offices at
147 the preceding state election.

148 [(3)] (B) In the case of a vacancy in the office of senator in Congress
149 occurring seventy or more days prior to a state election under
150 subdivision (2), (4) or (6) of section 9-211, as amended by this act, the
151 party-endorsed candidate of each party for such office shall be
152 designated at the state convention of such party held for the
153 endorsement of candidates for the state offices to be filled at such
154 election; contesting candidacies for nomination to such office shall be
155 filed not later than four o'clock p.m. on the fourteenth day following
156 the close of such convention; and the primary of such party for
157 nomination to such office shall be held simultaneously with the
158 primaries of such party for nomination to the state and district offices
159 to be filled at such election. If, at the time such vacancy in the office of
160 senator in Congress occurs, such state convention has already been
161 closed, it shall be reconvened by call of the chairman of the state
162 central committee of such party, which call shall be mailed to each
163 delegate chosen for such convention not less than seventy-two hours
164 prior to such reconvening; such reconvened convention shall be closed
165 not later than the tenth day following the occurrence of such vacancy.
166 The party-endorsed candidate of such party for such office shall be
167 designated at such reconvened convention. Contesting candidates for
168 nomination to such office shall be filed not later than four o'clock p.m.
169 on the fifth day following the close of such reconvened convention. If
170 the primaries of such party for nomination to the state and district
171 offices to be filled at the state election are held not earlier than the

172 twenty-eighth day following the close of such reconvened convention,
173 the primary of such party for nomination to the office of senator in
174 Congress to fill such vacancy shall be held simultaneously with the
175 primaries of such party for nomination to such state and district
176 offices; otherwise, the Secretary of the State shall fix the day for the
177 primary of such party for such nomination to the office of senator in
178 Congress, which day shall be not earlier than the twenty-eighth day
179 following the close of such reconvened convention and not later than
180 the twenty-first day preceding the day of the state election.

181 (4) The times specified in sections 9-391, 9-405 and 9-423 shall be
182 applicable to any special town election held to fill a vacancy in any
183 town office under subsection (b) of section 9-164. Except as provided
184 under subsection (c) of section 9-164, any election held to fill a vacancy
185 in any municipal office under the provisions of any special act shall be
186 held not earlier than the one hundred twenty-seventh day following
187 the day upon which warning of such election is issued, and the times
188 specified in sections 9-391, 9-405 and 9-423 shall be applicable.

189 Sec. 3. This act shall take effect from its passage.

Statement of Legislative Commissioners:

The first sentence of subdivision 3(A) of section 2 was rephrased for clarity and consistency with the second sentence of said subdivision 3(A).

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Secretary of the State

Municipal Impact: Potential Cost

Explanation**State Impact:**

The bill requires a vacancy in the office of the U.S. Senator to be filled at the next regular state or municipal election. This will result in no additional costs to the Secretary of the State's office.

Municipal Impact:

If the vacancy occurs and it is filled at the next regular state election no additional costs will be incurred by the municipalities. However, if the vacancy occurs and is filled at the next regular municipal election, most of the municipalities will not incur a cost, yet the seven towns that hold their municipal elections in May will incur additional costs as the bill would require these seven towns to hold a special election in November.

These seven towns (Andover, Bethany, Bolton, Naugatuck, Sherman, Union, and Woodbridge) would only incur costs to the extent a vacancy occurs, and it is filled in a municipal election year. These costs result from additional staff needed to be hired to work the

polls, transportation of the voting machines to the voting locations, additional printing costs, and the installation of a phone line at each polling location. The estimated costs for these towns are as follows:

Town	Estimated Population	Number of Voting Districts	Estimated Costs for a Special November Election
Andover	2,850	1	\$1,600 - \$2,000
Bethany	4,830	1	\$2,500 - \$3,000
Bolton	4,753	2	\$2,500 - \$3,000
Naugatuck	30,231	8	\$16,000 - \$17,000
Sherman	3,017	1	\$1,600 - \$2,000
Union	683	1	\$1,600 - \$2,000
Woodbridge	8,265	2	\$3,000 - \$5,000

OLR Bill Analysis

sHB 5121

AN ACT CONCERNING THE PROCEDURE FOR FILLING VACANCIES IN THE OFFICE OF UNITED STATES SENATOR.**SUMMARY:**

This bill requires a vacancy in the office of U.S. Senator to be filled at the next regular state or municipal election. Under current law, a gubernatorial appointee serves until the next regular state election. The bill establishes procedures for determining a party nominee for filling a vacancy at a municipal election, with an expedited schedule if the vacancy occurs close to the September primary. When a vacancy occurs before a state election, the endorsing convention and primary, if needed, are held pursuant to current law. The bill authorizes the governor to appoint a successor to fill the office when a vacancy occurs until January 3 after the election.

EFFECTIVE DATE: Upon passage

VACANCY ELECTION SCHEDULE

The bill designates the regular state or municipal election in November at which voters would elect a U.S. Senator, depending on when a vacancy occurs. Towns that hold their municipal election in May (Andover, Bethany, Bolton, Naugatuck, Sherman, Union, and Woodbridge) must conduct a special election on the Tuesday after the first Monday of November to fill the Senate vacancy.

Table 1 illustrates the bill's provisions on filling a vacancy depending on when a vacancy occurs, using the senatorial term running from January 3, 2001 to January 2, 2007 as an example. Anyone elected to fill the vacancy serves for the remainder of the term.

Table 1: The Bill's Timetable for Filling a Vacancy for Senate Term 2001-2007

<i>If a Vacancy Occurs</i>	<i>Gubernatorial</i>	<i>Election to Fill</i>
----------------------------	----------------------	-------------------------

<i>Between</i>	<i>Appointee Serves Until</i>	<i>Vacancy Held On</i>
1/3/01 and 8/28/01	1/3/02	11/6/01
8/29/01 and 8/27/02	1/3/03	11/5/02
8/28/02 and 8/26/03	1/3/04	11/4/03
8/27/03 and 8/28/04	1/3/05	11/2/04
8/26/04 and 8/31/05	1/3/06	11/8/05
9/1/05 and 1/2/07	1/3/07	--

Currently, if a vacancy occurs 60 or more days before a state election, the gubernatorial appointee serves until the January 3 following the election, at which time the vacancy is filled. If the vacancy occurs less than 60 days before a state election just before the end of the term, the appointee serves for the remainder of the term. If the vacancy occurs with fewer than 60 days before a state election not at the end of the term, the appointee serves until the January 3 after the next state election, the longest period of the three situations covered under current law.

NOMINATION PROCEDURES

The bill establishes a schedule for determining the parties' nominees to run in an election to fill a vacancy in a U.S. Senate office. Delegates to the nominating convention are the same ones who served at the state convention held the previous year. When a vacancy occurs more than 69 days before a municipal election (before August 29, 2001, for example), the party holds a convention between the 50th and 68th days before the primary (June 28—July 16).

If the vacancy occurs after the 50th day before the primary (July 16), the convention must take place and complete its business within 10 days after the vacancy occurs. In that case, candidates who qualify to run in a primary must file to do so by 4 p.m. on the fifth day after the close of the convention. If the party's regularly scheduled primary is to take place within 28 days, the primary for the U.S. Senate nomination is held then. If not, the secretary of the state must select a day for the primary that is at least 28 days after the convention and no later than 21 days before the election.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 18 Nay 1